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TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) 9D-50003USP6
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In re Application of: Eugenia Cefali
 Application No. 08/980,557
 Filed: October 31, 1997
 For: Methods for Treating Hypertension With Intermediate Release Nicotinic Acid Compositions Having Unique Biopharmaceutical Characteristics

The owner, Kos Pharmaceuticals Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 5,749,091 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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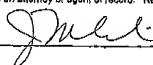
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 61662


 Signature

4/2/08
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☒ Terminal disclaimer fee under 37 CFR 1.20(n) included

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